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## **Proceedings of the Atlantic States Marine Fisheries Commision South Atlantic State/Federal Fisheries Management Board 5/2/19**

Atlantic States Marine Fisheries Commission

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**PROCEEDINGS OF THE**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD**

**The Westin Crystal City**  
Arlington, Virginia  
**February 6, 2019**

**Approved May 2, 2019**

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting  
February 2019

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February 2019

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of October 2018** by Consent (Page 1).
3. **Move to approve the 2018 Spot FMP Review, State Compliance Reports and de minimis status for New Jersey and Georgia** (Page 10). Motion by Lynn Fegley; second by Malcolm Rhodes. Motion carried (Page 10).
4. **Motion to adjourn** by Consent (Page 10).

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting  
February 2019

**ATTENDANCE**

**BOARD MEMBERS**

Emerson Hasbrouck, NY (GA)	Bryan Plumlee, VA (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Steve Murphey, NC (AA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Chris Batsavage, NC, Administrative proxy
Russ Allen, NJ, proxy for T. Fote (GA)	Mike Blanton, NC, proxy for Sen. Steinberg (LA)
John Clark, DE, proxy for David Saveikas (AA)	Malcolm Rhodes, SC (GA)
Roy Miller, DE (GA)	Spud Woodward, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Doug Haymans, GA (GA)
Russell Dize, MD (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
David Blazer, MD (AA)	Marty Gary, PRFC
Lynn Fegley, MD, Administrative proxy	John Carmichael, SAFMC
Pat Geer, VA, proxy for S. Bowman (AA), Chair	

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

**Staff**

Toni Kerns	Caitlin Starks
Robert Beal	Jessica Kuesel
Mike Schmidtke	

**Guests**

Joe Cimino, NJ DEP	Nichola Meserve, MA DMF
Justin Davis, CT (AA)	Mike Millard, USFWS
Jeff Deem, VMRC	Rob O'Reilly, VMRC
Phil Edwards, RI DEM	Derek Orner, NOAA
Zach Greenberg, PEW Trusts	Cheri Patterson, NH F&G
Bill Hyatt, CT (GA)	Ken Sprankle, USFWS
Raymond Kane, MA (GA)	Mike Thalhauser, MCCF
Arnold Leo, E. Hampton, NY	Jack Travelstead, CCA
Chip Lynch, NOAA	

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the

Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, February 6, 2019, and was called to order at 11:15 o'clock a.m. by Chairman Pat Geer.

### **CALL TO ORDER**

CHAIRMAN PAT GEER: Welcome to the South Atlantic State/Federal Fisheries Management Board. My name is Pat Geer; I'm from Virginia, I'm the Chairman. I welcome you all here today. The first order of business today is approval of the agenda. Are there any changes to the agenda; any modifications? Hearing none; the agenda is approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GEER: Moving on to the proceedings from the October annual meeting, are there any changes or additions to them? Hearing none; it's approved by consent. We don't have anybody signed up for public comment. Is there anybody in the audience that wants to comment on anything that is not on the agenda today?

### **DRAFT AMENDMENT 1 FOR THE COBIA FISHERIES MANAGEMENT PLAN**

CHAIRMAN GEER: Hearing none; we'll move on. The next item on the agenda is the Draft Amendment 1 for the Cobia Fisheries Management Plan. Mike is going to give us a progress update; as well as talk about giving us some guidance on the Plan Development, as far as it's concerned with some of the options we have, so Mike you have the floor.

### **PROGRESS UPDATE**

DR. MIKE SCHMIDTKE: Today I'll be talking about kind of the progress made on Draft Amendment 1; as well as some additional guidance that is necessary for the Plan Development Team to proceed forward in the development of that draft. Before I get into the draft amendment, I do want update the Board on the SEDAR 58 assessment process for Atlantic cobia. The data workshop was previously scheduled to take place in Charleston in mid-January.

However, due to the federal government shutdown that workshop was postponed. The most recent information I have is that the SEDAR Steering Committee will have a conference call to reschedule the dates for that workshop; as well as any other assessments that were affected by it. Once I get information from that call I'll distribute it to the Board. Currently I don't have the reschedule dates for that workshop. I guess before I get into the amendment, are there any questions concerning the assessment and the progress there?

MR. JOHN CARMICHAEL: Yes, John Carmichael. It will actually be a planning group not the Steering Committee that does that. But the Science Center did initial planning last week; and the reports we're getting back from the coordinators who have been working with the projects leads is it sounds like they can pick that up pretty quick. We're not expecting an excessive delay; and hoping that we can have the workshop sometime in maybe late March or April. I hope there won't be too much of a delay.

DR. SCHMIDTKE: Thank you, John. Now getting into the Draft Amendment, first I'll go through a brief review of the process to this point. Draft Amendment 1 to the Interstate Management Plan was initiated in May of last year. This amendment is necessary to replace the current language that is dependent on the Council's Coastal Migratory Pelagics FMP; as well as reflect the removal of Atlantic cobia from that FMP via Amendment 31.

Additionally, the Board expressed a desire to consider management strategies other than those that are currently in place through the Complementary Plan. A Public Information Document was published last year; and distributed to gather input on options for the draft Amendment. Public comments were received through hearings and e-mails; and they were summarized for the Board last October, when the Board gave some initial guidance for the Cobia Plan Development Team.

The draft Amendment was tasked to be designed to address two main issues; recommended management for federal waters and establishment of a harvest specification process. This is a reminder of the current timeline for the amendment. Fortunately, this amendment has not really been impacted by the federal shutdown; so the PDT has been able to move on discussions for developing the document.

We are still planning to have the draft amendment available for Board consideration for public comment in May; with a potential final approval during this year's August meeting. The PDT has held two conference calls earlier this month; to begin developing preliminary options for several measures addressed by the draft amendment.

However, the group decided that additional guidance on accountability options was necessary to move forward; as current accountability measures have some dependency on how the landings are evaluated against targets or quotas. Decisions concerning accountability could impact options for other measures as well.

Accountability is being considered in this draft amendment; because it is included in status quo measures. During previous discussions some states had expressed concern about inequitable access. That is what led to Commission involvement in this stock in the first place; and additionally because some questions have been asked concerning the health of the stock, due to recent ACL overages in both sectors.

The Commission's guiding documents do not require accountability measures in a plan; however, removal of accountability measures would divert from the status quo for this particular FMP. If this is desired for either sector that would have to be considered along with status quo; as one of multiple options for this draft amendment.

Here I'll summarize the status quo accountability measures. On the recreational side

accountability is applied at the state level for non de minimis states. If a state's average harvest over a three year period exceeds its annual harvest target that state must reduce its season or vessel limit; such that the target may be achieved in the next three year period. For the commercial fishery accountability is applied through a coastwide closure. NOAA Fisheries monitors commercial harvest and projects when the commercial ACL will be met. When the ACL is projected to be met, both federal and state waters are closed to commercial fishing for the remainder of the year.

An additional accountability measure in effect from the coastal migratory pelagics FMP is that payback would be applied annually; based on ACL overages, if the total ACL (meaning the combined ACL of recreational and commercial sectors), if that is exceeded while the stock is under an overfished status.

We've had some overages in recent years; but there has been no payback, because the stock is not currently overfished, according to the last assessment. Payback would be applied according to those sector-specific overages. Unless both of the conditions are met of an overage and an overfished status, payback is not applied and the ACL resets each year.

This measure is not in the interstate FMP, and could not be carried over as a status quo measure. However, because it is conditional on overfished status, if the Board does desire this type of measure as an option; that could be considered outside of the status quo measures that get carried forward in place that are under a regular not overfished status.

Status quo could be maintained for the recreational fishery by simply adapting some terminology. We would not have an ACL any longer; we would define independently the RHL and redefine a few other terms as well. Some preliminary options explore the RHL specification process; and the landings evaluation process, and look at these for time periods other than three years.

But these could be addressed separately without impacting the management response to an overage. That response is a state level reduction to the state harvest target. However, carrying forward status quo could be a bit more difficult to implement for the commercial fishery. Under and adapted status quo scenario, states would be responsible for the monitoring and closure for landings in their state.

They would have to keep track of when the annual quota is met; and issue the closure within the states. Given the difficulties with keeping the landings under the ACL under federal monitoring and closure, a key question is do states believe they would have ability to monitor their landings and enforce a timely closure if the coastwide quota were met?

Another note for consideration is that most Commission FMPs, which are not required to use payback methods, typically have payback procedures in place for commercial fisheries but not for recreational. In summary, some aspects of status quo accountability could be adapted and carried forward, without needing to develop alternative accountability options.

However, there are some caveats to doing that; particularly for the commercial fishery. The first question that the PDT would need addressed to move forward is; does the Board want to include accountability options other than the status quo in this draft amendment? At this point if it pleases the Chair, I would ask for Board feedback on this question. There are a couple follow up questions; depending on the response that the Board gives at this time.

#### **PROVIDE GUIDANCE TO PLAN DEVELOPMENT TEAM TO DEVELOP MANAGEMENT OPTIONS**

CHAIRMAN GEER: I want to open the floor for discussion on this. Are there any comments? I see Malcolm and I see Joe.

DR. MALCOLM RHODES: If we could monitor the status quo it could work. I know in our state we would have an issue with the federal water closures; and I think Georgia the same way, because that is where our fisheries take place for the most part. Any state waters we close for the breeding stock; and Robert's talked about that at length.

I don't know if our state could. I don't know that's just an issue that we would have to work out; if we stuck with the status quo along that line. I don't have a specific recommendation; but it's something that we just need to consider as we go forward.

CHAIRMAN GEER: Joe.

MR. JOE CIMINO: Thanks, Mike for laying all this out for us. You know I think it was a big step forward when we got to this idea of this three year period for the recreational fishery. I would really like to see that play out. I think something needs to be done with the commercial fishery. I just wonder who that kind of falls to for tracking overall as a coast.

I believe there were times where even ASMFC staff was involved with tracking dogfish when Council and Commission had different, and I wouldn't want to see it go that way. I had some concerns about this commercial fishery. I think that a lot of fish still go unreported; so it's a fishery that's already exceeding its ACL, and yet I still think there are fish that are ending up in restaurants that aren't even on that quota. I think it's a difficult one to track in real time for any state. Then well, I'll leave it at that.

CHAIRMAN GEER: All of it, Malcolm; anyone else? Lynn.

MS. LYNN FEGLEY: I just wanted to make sure that I understand. If we go forward with the inclusion of accountability measures, if there are options in there that would require states to track their state-specific landings, you know for those of us who's harvest is very low, we're de minimis in these.



I'm just wondering if there is going to be some specific language in the plan that would specify how de minimis states would need to deal with those accountability measures. Would we be equally responsible? I'm just wondering. We probably need to think through how that works a little bit.

DR. SCHMIDTKE: With the way that the Plan is now, there is a coastwide quota. It's not divvied up by states at all. De minimis or not, it doesn't really matter when it comes to the commercial fishery. All of that goes into evaluating the landings against that coastwide quota. Unless there are adjustments made to that; then the de minimis states, which are essentially de minimis for the recreational fishery, would also have to be incorporated in that monitoring effort.

CHAIRMAN GEER: Follow up, Lynn?

MS. FEGLEY: Yes, thank you for that. Just to be clear, you know the way that we went forward in a complementary way with the Federal Plan, I think worked really well for us. But if we're going to deviate from the status quo, I just want to make sure we think it through.

CHAIRMAN GEER: Next I have Chris.

MR. CHRIS BATSAVAGE: Thinking about how to monitor the commercial fishery. It's really two states landing the majority of the commercial cobia. In terms of how to handle the de minimis states, I think with the recreational fishery when we allocate it to the states, it was 99 percent of that RHL and then 1 percent covered the de minimis states.

I don't know if that's something that we could do for the commercial fishery if we go to either of the states, Virginia, North Carolina in this case, monitoring the quota or another entity that it's at like a 99 percent or even less of that level to account for overages, but also account for the de minimis states so they're not having to try to track down just very sporadic commercial

landings that may or may not occur in their states.

CHAIRMAN GEER: Anyone else? We have to make a decision whether or not, first of all if we want accountability measures, and if we do, if we want to stay with our status quo or do we have any other ideas? What's the pleasure of the Board? Joe.

MR. CIMINO: I support Chris's notion; and maybe if we could actually task the TC to look at the coastwide landings for the past few years, and get an idea if it would be a 1 percent set-aside, or what an appropriate number would be. Then kind of move forward with that for the commercial. Again, I'm going with support for status quo for the recreational.

CHAIRMAN GEER: Chris is correct; I mean it's basically Virginia and North Carolina that make up the large bulk of the commercial landings. We both have quota systems in effect that can track the landings; whether or not we're getting it all. But we do have a tracking system. We could put something into play where we start to look at it when it reaches some certain percentage; and deal with the season that way.

DR. SCHMIDTKE: I think we can just incorporate that into the PDT process. We don't have to have a separate TC task for it; just have that as part of the option development for the PDT.

CHAIRMAN GEER: I'm not hearing any objections to not having accountability measures. I have a few people in support of them. Hearing none; we're all in consensus that we want the accountability measures to move forward? That's with status quo. If you want any others added, any other thoughts. I'm not hearing much, tough crowd. Roy.

MR. ROY W. MILLER: Mr. Chairman, in your statement, are we assuming status quo is the preferred option?

CHAIRMAN GEER: If we have no other options. It's a plan right now; so if there is anything else,

any thoughts or ideas anybody has, bring them forth now. Spud.

MR. A. G. SPUD WOODWARD: I think it will help the PDT if we can at least address this payback issue now as a group. Do we want paybacks to even be considered a component of the accountability measures or not? I for one think in the recreational sector no, just my opinion.

CHAIRMAN GEER: Anyone else on that? Mike has something.

DR. SCHMIDTKE: Spud, just to be clear; that would include under an overfished status, still no payback at all for the recreational, correct? Okay.

CHAIRMAN GEER: What does everyone think about that? Lynn.

MS. FEGLEY: Okay, so if we're in an overfished status we would have a payback for the commercial sector but not the recreational sector; is that correct? Is that how that works?

CHAIRMAN GEER: I believe that's what Spud was proposing. Is that what you were proposing, Spud?

MR. WOODWARD: Well I'm not necessarily proposing a payback for the commercial sector; just making sure that I don't want us to get into a situation where we do it in the recreational sector. I think if we were to go with something like status quo. In essence if you have to truncate your season or make other adjustments the year after you sort of reached the threshold; that is a de facto payback, if you get really down to it, just without enumerating the fish, per say.

But, the commercial fishery is so small and is unlikely to grow under the restrictions that are there already. I don't know that we need to bog down too much in that. I mean if you've got the only two states are the principal players in it can control the harvest through the quota monitoring system and in-season closures. I

mean, what's the likelihood of us getting into a situation where a payback is really necessary?

CHAIRMAN GEER: Well, we've gone over every year since there has been an ACL.

MR. WOODWARD: By what percentage, what margin?

CHAIRMAN GEER: It varies. As you said, relative to the recreational fishery it's tiny. I mean landings have been I think there was 67,000 pounds last year. It is going over by 20 percent. But it's still a very small portion of the overall harvest. Lynn has her hand half up.

MS. FEGLEY: Thank you, Mr. Chair for your patience. I guess my thought is just in terms of equity. Something just niggles at me that we would put an option in for payback for one sector but not the other. With the commercial fishery maybe being so small; maybe the commercial fishery winds up in the same place that the recreational fishery does, where if the commercial fishery is exceeding its ACL, if it exceeds then the states need to adjust somehow their commercial fisheries. I know we're all on a standard regulation right now; and the feds have been monitoring it and closing the season when NOAA has calculated that the quota is caught. But maybe we just need to keep the recreational and the commercial on an even plane. If the commercial sector is exceeding, then the states need to figure out how to adjust their landings accordingly.

CHAIRMAN GEER: Joe.

MR. CIMINO: I support that. I have a question maybe for Mike or staff. Do we know in this plan, can you request de minimis for just a sector? Because I think if other states could request it just for commercial, it might give us more options on how to manage the commercial fishery.

DR. SCHMIDTKE: Joe, are you asking could we change the de minimis; I guess the way the de minimis is defined? Because right now it is

defined that it only really effectively applies for the recreational sector; but incorporating the commercial sector into de minimis qualification and status. That is something that could be incorporated into the amendment, yes.

CHAIRMAN GEER: Toni.

MS. TONI KERNS: I just have a question for the states; because I thought we said on the PDT call that the states don't timely monitor the quota enough for in-season closures. For the states that have commercial fisheries is there timely enough monitoring with this pulse fishery that it is; to actually have a closure when we reach or get close to the commercial quota?

Like could we set up for triggers in order to reduce catch some; if you don't want to do full closures, so that harvest then starts to drop off, so you don't have such large percent overages? Some measure; because right now I don't think we're timely monitoring in order to have an accountability measure.

CHAIRMAN GEER: Virginia tracks the landings.

MS. KERNS: Timely? How often do you get your landings for this; monthly, weekly?

CHAIRMAN GEER: No, it's at least weekly if not daily. North Carolina, they have a call-in system as well, right?

MR. BATSAVAGE: Yes thanks. We have a quota monitoring system for some of our other commercial fisheries. We would have to go and talk to staff; as far as how we would handle cobia, being a much smaller quota. But we do have a mechanism in place to track landings on a more frequent basis than the typical get the trip tickets a month later, and then see where you are.

But yes, I think it's something that we could potentially do; we just need to work out the details with our staff, to figure out the best way. I think in terms of just the commercial landings information; having the PDT look at when those

landings occur during the month, and seasonal landings and what not. That would help us too; as far as trying to get a sense of the frequency. You know if it's all happening in a couple months; or if it's spread out over the year, or somewhere in between. I think that would help us; as far as whether we need to do daily reporting, weekly reporting, things like that.

CHAIRMAN GEER: Mike's writing down a lot of things here. One of the things was separating out de minimis for recreational and commercial; considering not having payback for recreational fisheries or commercial. Is there anything else or any comments on those issues that we just discussed? Not hearing any. Is there anything else you want the PDT to look at or the TC; as far as information you want going into the Plan as a possible option? Boy, I'm not hearing anything. Mike is doing a wonderful job, isn't he? Mike.

DR. SCHMIDTKE: Just to make sure we're clear going forward. All the feedback that has been given today could be accomplished essentially with status quo accountability measures. Again like I said, the payback provision is from the coastal migratory pelagics FMP; that is not part of the interstate FMP.

We would just not add it. That would be fine to have status quo going forward; which would mean that there would not be accountability options in the draft amendment. That would just be a carryover from the previous management plan. We would be able to look at some details like the timing of the period and things like that outside of those measures. But I just wanted to make sure that the Board was clear that that is what we would have going forward.

CHAIRMAN GEER: I see a few heads shaking yes. Anything else, Mike do you have what you need at this time? Okay. Thanks for that discussion. Several of us sit on the PDT as well; so we'll be having some more conference calls about this as we continue to develop the amendment. Do you have a question, Toni?

MS. KERNS: Is it the intention of the Board for the commercial fishery to close in-season when

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the quota is caught? Is that what the Board is looking for; to clarify?

CHAIRMAN GEER: Chris is nodding his head and so am I.

MS. KERNS: Okay.

CHAIRMAN GEER: Yes. Is there anything else? All right moving on, oh I've got another question. Joe.

MR. CIMINO: Is that a state-by-state closure? If North Carolina and Virginia are going over, would they expect all states to be able to respond quickly enough to?

MS. KERNS: I think it depends on how you set up the quota in the document. If you're going to have a state-by-state commercial quota, then it would be each individual state would close when you set that up. But if you don't have state-by-state quotas, which I don't believe we do right now. Then it would just be when the commercial quota is caught in total; and everybody would close.

CHAIRMAN GEER: But if we had that 1 percent or 2 percent set-aside; we may be able to address it through that.

MS. KERNS: The de minimis states would also have to, everybody would have to close once the commercial quota is caught, usually.

CHAIRMAN GEER: Right. Okay.

MS. KERNS: I mean you can write it any way you want that's true. You can change it, but typically that's what happens.

CHAIRMAN GEER: I have Lynn and then Joe.

MR. CIMINO: I think I would like to consider maybe through the Plan, something where there was like a 1 percent set-aside for de minimis. You know we had a public hearing in New Jersey, and one individual showed, he was a commercial fishermen, large-mesh gillnets. He doesn't

target cobia; but his one concern is the closures impact his fishery.

I know North Carolina has this issue with king mackerel. I know I've said it before, but I'm always in favor of turning dead discards into something more reasonable. I know for at least my state, if de minimis was running on a 1 percent set-aside; I would be able to turn those discards into non-targeted harvest.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: I think I am right on the same wavelength with Joe. In our state, because we have so few of these fish, we cannot monitor state-by-state quota. We are not equipped to do that for this fish. Some sort of set-aside I think, would work well for the commercial fishery. If push came to shove, I don't think it would be ideal, because I'm assuming the majority of the commercial landings are coming out of North Carolina and Virginia.

You know they would be our bell weather. If they are in the position to track their quota then close, then you know we could follow suit. We're set up right now to follow Virginia's regulations recreationally to keep us consistent. We could walk down that same road commercially as well; although you know as Joe said, I think if there is a way to treat these little states a little differently that would be ideal.

CHAIRMAN GEER: Roy.

MR. MILLER: I would support that thought process as well; because there is a cost associated with implementing regulations. If a commercial closure is required, and you have a state that landings are so incidental or occasional that you don't even have landings greater than zero in most years. The administrative cost of closing that fishery just doesn't seem worth it. I like the idea of a 1 percent set-aside, thanks.

CHAIRMAN GEER: That is a good idea. Malcolm.

DR. RHODES: Just to be clear about this. If there were a federal closure or a commercial closure in the federal waters, would the wording apply just to commercial, or recreational only? Speaking for my own state, cobia is game fish, so we have no commercial fishery period. But as stated earlier, our fishery is 90 percent prosecuted in federal waters.

If the federal waters were closed, by mandate our recreational season is closed. That is what happened for several years. Is there a way to disconnect commercial and recreational in the Plan that's coming up? Would federal water closure be federal water closure period; or would it just be federal for commercial harvest?

DR. SCHMIDTKE: One of the parts of this draft amendment is addressing the recommended federal regulations relative to the state. There are options in place, like one of them being if you're fishing by your state of landing, even though you're in federal waters you adhere to the regulations of the state of landings. I believe that NOAA Fisheries has indicated that they would essentially reflect those regulations in enforcement. There wouldn't necessarily be a federal closure; unless it was mirroring a state closure.

CHAIRMAN GEER: Toni.

MS. KERNS: To clarify. The closure would be for commercial fishing, Malcolm, for all states to close their commercial fishery. If you don't have a commercial fishery then you wouldn't have to worry about it. If we made that recommendation to want to extend it out to federal waters, it would be just a closure of commercial fishing in federal waters.

DR. RHODES: Understood; but I just wanted to be clear, the way our laws are mandated that if the federal waters are closed then the fishery is closed to everybody. I don't know, maybe we just need to make sure about the wording of it either in this, and we can talk about it later, or within our state. Is that how you understand it, John?

MR. CARMICHAEL: I think that's how it's worded now. What I was trying to think about is if all the states closed there is nowhere to land. Then with the federal waters being opened or closed it would kind of be moot. But then I think there are also situations where once all the states that have, in cases where you've divided them up, once all the states that have a piece have all closed, then I think in some cases the feds close. But my recollection a lot of times that comes down to what the Commission does; in terms of asking the feds to take action. I think you have the ability to do it either way you wish to do it.

CHAIRMAN GEER: Malcolm, are you okay with that?

DR. RHODES: Yes I'm clear with this; and we'll be able to discuss it some, and then we'll have the document in May. I just want to make sure we don't get inadvertently closed out of the fishery; because of the way our laws are written, with the mirroring of federal law.

CHAIRMAN GEER: Is there anything else? I'm going to have a long pause here; so everyone can think for a second and then move on. Mike, did we cover everything? All right well thanks for that discussion. Like I said, the PDT will be working; and we'll be back with this in May.

#### **CONSIDERATION OF THE FMP REVIEW AND STATE COMPLIANCE REPORTS FOR SPOT**

CHAIRMAN GEER: Moving on to the next agenda item, which is Consideration of the FMP Review and State Compliance Reports for spot. Mike.

DR. SCHMIDTKE: This is the 2018 FMP Review for spot. We get those compliance reports a little bit later in the year, so we're going to be looking at the 2017 fishing year. As a reminder, in July of last year MRIP did their recalibration of recreational harvest estimates from the Coastal Household Telephone Survey to the mail-based Fishing Effort Survey.

Here we see time series of the recreational harvest using each of the different calibrations; and in general spot increased by about double, but it's fairly proportional for those recreational landings. As this species does not have any regulations based on the weight or the number of the recreational harvest, the estimates that are presented today will use those new FES numbers.

Here we see commercial harvest in black and recreational harvest in gray from 1950 to the present. Total landings of spot in 2017 are estimated at ten million pounds; an increase of about six million pounds from 2016, and 317,000 pounds less than the average of the last ten years. The commercial fishery accounted for 24 percent of these landings; with 2.4 million pounds, that's a 277 percent increase from the time series low in 2016.

Virginia landed approximately 74 percent of the commercial harvest; followed by North Carolina with 18 percent. Here we see recreational catch in millions of fish. The black bars are the fish harvested, and gray bars are those that were caught and released. Recreational harvest of spot along the Atlantic Coast has varied throughout the time series; between 13 and 55 million fish.

In 2017 recreational harvest was 23.7 million fish or 10 million pounds. This is about 10 million fish more than the 2016 harvest. Anglers in Virginia caught 67 percent of the 2017 harvest; followed by anglers in Maryland and North Carolina. The estimated number of spot released by recreational anglers in 2017 was about eight million fish; and that's about a 2.5 million decrease from the 2016 releases.

Addendum I established the use of a traffic light analysis to monitor stock status in the absence of an assessment. It set a threshold of 30 percent, which is shown by the black line that represents moderate concern for the fishery. If thresholds for both the harvest and abundance indices are

exceeded over a two year period then management action is tripped.

The results shown here and on the next slide are the current TLA; and they do not include adjustments that were recently recommended by the Atlantic Croaker TC and Spot PRT. This graph shows the Composite Harvest Index, which is comprised of commercial and recreational data from the entire coast.

This index has shown recent decline; and did trip in 2017 with red proportions in 2016 and '17, both exceeding 30 percent. Here we see the composite abundance index; which is comprised of adult spot abundance estimated by the NMFS and SEAMAP surveys. This index has shown some sporadic declines; but nothing consistent, and it did not trip in 2017. The 2017 percent red is just under 30 at 29.4 percent; so despite the triggering of the harvest index, management action is not triggered this year and would not be triggered next year, as you need two consecutive years to trigger management. Spot are currently managed under the Omnibus Amendment approved in 2011. This amendment does not require a specific fishery management measures in either the recreational or commercial fisheries for states within the management unit. A state qualifies for de minimis status if its past three-year average of the combined commercial and recreational catch, is less than 1 percent of the past three-year average for the coastwide commercial and recreational catch.

Those states that qualify for de minimis are not required to implement any monitoring requirements; and there aren't any monitoring requirements to include for this plan. New Jersey and Georgia have both requested and qualified for de minimis status. The PRT recommends that the Board approve the 2018 Spot FMP Review, State Compliance Reports, and de minimis status for New Jersey and Georgia.

In addition the PRT has listed several management research and monitoring recommendations in the FMP Review Report.

Specifically the PRT would like to reiterate their recommendation that the Board consider incorporation of adjustments to the TLA. These were submitted in their collaborative memo with the Atlantic Croaker TC.

As I understand states have been working to get public feedback on potential management responses since incorporating the recommended adjustments would trigger management action. That information was not available for all states in time for this meeting; so the plan is for the Board to address that issue in May. With that I will take any questions.

CHAIRMAN GEER: Are there any questions for Mike? I believe so far Maryland and Virginia have had their public meeting; North Carolina is slated this month. Are any other states considering having a meeting to discuss possible croaker/spot management? I'm just seeing shaking of heads.

Okay well that is where the bulk of the catch is. Lynn, Chris and I have had several conversations about this. I think we're all kind of on the same page. We'll be able to provide some of the results of those meetings next meeting. We need a motion on this. Lynn.

**MS. FEGLEY: I move to approve the 2018 Spot FMP Review, State Compliance Reports and de minimis status for New Jersey and Georgia.**

**CHAIRMAN GEER: Seconded by Malcolm. Is there any further discussion; any opposition? Hearing none; it's approved by consent.** Is there anything else to come? Oh, I have to read it, I'm sorry I forgot to read it, forgive me. Move to approve the 2018 Spot FMP Review, State Compliance Reports and de minimis status for New Jersey and Georgia.

**Motion by Ms. Fegley, and seconded by Dr. Rhodes. Hearing any opposition to the motion? Hearing none; the motion is accepted by consent.** I apologize for that. Is there any other business to come before this Board today? Malcolm.

DR. RHODES: Mike and Lynn and I were talking earlier; and I just wanted to clear in my head. It's SEDAR 28 for cobia will be like a year, is that right?

DR. SCHMIDTKE: It's 58, and that is projected to be finished by the end of this calendar year. The original final report date was in October; so even with the shutdown if it gets moved a month or so that information wouldn't have been available until our February meeting anyway. As long as we get it done by beginning of January, then we should still be on track to have that available in February or next year.

#### **ADJOURNMENT**

CHAIRMAN GEER: Is there anything else? Hearing none; motion to adjourn, Malcolm, and seconded by I thought I saw a couple of hands over here. I'll say Lynn. Meeting is adjourned.

(Whereupon the meeting adjourned at 12:00 o'clock p.m. on February 6, 2019)